

22298. Adulteration of butter. U. S. v. Mid-Western Dairy Products Co. (Escalante Ice Cream Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30229. Sample no. 24286-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On September 16, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mid-Western Dairy Products Co., a corporation trading at Salt Lake City, Utah, as the Escalante Ice Cream Co., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 15, 1932, from the State of Utah into the State of California, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On September 30, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

22299. Adulteration of butter. U. S. v. Winthrop Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 30272. Sample no. 31539-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On January 16, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Winthrop Cooperative Creamery Association, a corporation, Winthrop, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 2, 1933, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On January 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

22300. Misbranding of canned peas. U. S. v. 200 Cases, et al., of Canned Peas. Decrees of condemnation and forfeiture. Product released to be relabeled. (F. & D. nos. 31994, 32239, 32241, 32266, 32280, 32281, 32282. Sample nos. 39328-A, 39329-A, 39335-A, 39417-A.)

These cases involved interstate shipments of canned peas which fell below the standard established by the Secretary of Agriculture, and which were not labeled to show that they were substandard.

On February 17, March 6, March 10, and March 13, 1934, the United States attorneys for the Western District of North Carolina and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,128 cases of canned peas, in various lots at Charlotte, N. C., Lincolnton, N. C., and Columbia, S. C., alleging that the article had been shipped in part by Chas. G. Summers, Jr., Inc., from New Freedom, Pa., and in part by the Southgate Brokerage Co., from Norfolk, Va., between the dates of January 11 and February 16, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Legion Brand Early June Peas * * * Distributed by [or "Packed For"] Chas. G. Summers, Jr., Inc., New Freedom, Pa."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of ruptured peas, an excessive number of hard peas, and excessive cloudiness of liquor, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.